IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

SA.No. 538 of 1996

AS.41/1993 of SUB COURT, SULTHAN BATHERY
OS.161/1988 of MUNSIFF COURT, KALPETTA

APPELLANTS: APPELLANTS: DEFENDANTS 9 AND 10:

1. THEKKUNKUZHY AUGUSTY, S/O.JOSEPH,
AGED 42 YEARS, AGRICULTURIST,
POOTHADI AMSOM, SULTHAN BATTERY TALUK,
NOW RESIDING AT MOODAKOLLY P.O., IRULAM AMSOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

2. EDAMTHUTTEL THRESSIA, D/O.OUSEPH, AGED 82 YEARS,
MOODAKOLLY P.O., IRULAM AMSOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

BY ADV. SRI.PHILIP MATHEW

RESPONDENTS: RESPONDENTS: PLAINTIFFS 1, 2 AND 3 AND
DEFENDANTS 1 TO 8 AND 11:

1. IDIYANAL THOTTANKARA KARTHIANI, D/O.ITTUNDAN,
AGED 73 YEARS, RESIDING AT PAZHUPATHOOR,
S.BATTERRY AMSOM, SULTHAN BATTERY TALUK,
WYANAD DISTRICT.

2. IDIYANAL THOTTANKARA MADHAVI, D/O.ITTUNDAN,
AGED 63 YEARS, KALIKAVU AMSOM AND DESOM,
NILAMBUR TALUK, MALAPPURAM DISTRICT.

3. IDIYANAL THOTTUMKARA KALLIANI, D/O.ITTUNDAN,
AGED 58 YEARS, PULPALLY AMSOM AND DESOM,'
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

4. IDIYANAL THOTTUMKARA LAKSHMI, W/O.RAMANKUTTY,
SWASTHAM, POOTHADI TALUK, POOTHADI DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

5. IDIYANAL THOTTAMKARA LALITHA, D/O.RAMANKUTTY,
AGED 40 YEARS, POOTHADI AMSOM, SULTHAN BATTERY TALUK,
WYANAD DISTRICT.

6. IDIYANAL THOTTAMKARA GOPI, S/O.RAMANKUTTY,
AGED 35 YEARS, POOTHADI AMSOM AND DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

7. IDIYANAL THOTTANKARA THANKAMANI, D/O.RAMANKUTTY,
AGED 32 YEARS, POOTHADI AMSOM AND DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

8. IDIYANAL THOTTANKARA USHA, D/O.RAMANKUTTY,
POOTHADI AMSOM AND DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

9. IDIYANAL THOTTANKARA SHANI, D/O.RAMANKUTTY,
AGED 25 YEARS, POOTHADI AMSOM AND DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

10. IDIYANAL THOTTANKARA VINU, S/O.RAMANKUTTY,
AGED 22 YEARS, POOTHADI AMSOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

11. IDIYANAL THOTTANKARA DINESH, S/O.RAMANKUTTY,
AGED 20 YEARS, POOTHADI AMSOM AND DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

12. KELEMTHADATHIL GOPALAN, S/O.ITTUNDAN,
AGRICULTURIST, AGED 55 YEARS, POOTHADI AMSOM, DESOM,
SULTHAN BATTERY TALUK, WYANAD DISTRICT.

BY ADV. SRI.P.R VENKITESH

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.M.P.NO.2065/1996 IN S.A.NO.538/1996

DISMISSED

17/12/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

AHZ/

K.T.SANKARAN, J.

S.A. NO. 538 OF 1996

Dated this the 17th December, 2007

JUDGMENT

Since the defects were not cured, the case was posted in the defect list before the Registrar on 14.8.2007, 21.8.2007 and 18.9.2007. There was no representation on behalf of the appellants on these dates. Learned counsel for the appellants seeks further time to cure the defects. The request is refused. The Second Appeal is dismissed for default. However, the appellants are granted one month's time to get ready to cure the defects and to file appropriate application for restoration of the Second Appeal.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

S.A.NO. 538 OF 1996 E

JUDGMENT

17th December, 2007